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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,477	12/10/2003	Shoji Yamada	P24167	5420
7055	7590	12/07/2006		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER NGUYEN, KIMNHUNG T	
			ART UNIT 2629	PAPER NUMBER

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,477

Applicant(s)

YAMADA, SHOJI

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The claims 6-13 are pending. The examination results are as following.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (US 6,252,182) in view of Guy et al. (US 6,879,315).

As to claim 6, Lai discloses in fig. 5, an input element (pressure sensitive pen, col. 2, lines 41-42) used for a touch-pad (touchpad not shown in figs., see col. 3, lines 4-5) disposed to an information processing apparatus, said touch-pad being responsible to changes of a static capacity (see user uses the pressure sensitive to write or draw on the touchpad, see col. 3, lines 9-11), said input element (pressure sensitive pen) comprising an electrically-conductive pad contact face (see conductible rubber 142) configured to contact the touch-pad (see col. 3, lines 21-24). However, Lai does not disclose the planar pad contact face to contact the touch pad.

Guy et al. discloses in figs. 6, 9A-9D, a haptic interface (100) comprising a stylus (40, fig. 6), and planar pad (144, because contact pad adapted to support the user wrist may be substantially planar, see col. 15, lines 53-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the contact pad of substantially planar as taught by Guy et al. into the system of Lai for producing the claimed invention because this would provide the actual dimensions may be varied, as necessary to accommodate a particular haptic interface configurations, orientation, and work volume (see col. 15, lines 60-63).

As to claims 8, 9, Lai discloses further, the input element having a pencil shape (see pressure sensitive pen, fig. 2), the input element making an input to said information processing apparatus through said change of said static capacity interfaced by said touch-pad (see user uses the pressure sensitive to write or draw on the touchpad, see col. 3, lines 9-11).

As to claim 11, Lai discloses a method for making an input to an information processing apparatus via a touch-pad as discussed, said touch pad of said information processing apparatus (because the touchpad has to use with a computer input devices such as keyboard or mouse, and allow to a user to write and draw upon the surface of a touch-pad, see background the invention, see col. 1, lines 11-22), said touch-pad being responsible to a change of a static capacity said method comprising the steps of:

providing an input element (see pressure sensitive pen, fig. 5) comprising a conductive pad contact part (see conductible rubber 142, fig. 5) making a face-to-face contact onto said touch-pad (see col. 3, lines 21-24); and

making said input element (pressure sensitive pen, fig. 5) contact to a touch-pad surface in a face-to-face manner such that said static capacity is changed (see user uses the pressure sensitive to write or draw on the touchpad, see col. 3, lines 9-11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (US 6,252,182) in view of Guy et al. (US 6,879,315) and in view of Toyoda et al. (US 5,210,405).

As to claims 7, 12, Lai discloses further in fig. 5, the input element (see pressure sensitive pen, fig. 5), the input element further comprising a conductive grip part (see plate 153, see fig. 1, see col. 2, lines 66-67), the grip part (153) and pad contact part (142) is being connected. Guy et al. discloses a planar pad contact surface. However, Lai and Guy et al. do not disclose the grip part and contact part is being connected via a pivot connection therebetween. Toyoda et al. discloses in fig. 1, a pen-type input device comprising a ball rotatable (6, ball should have a pivot) supported by an end of a pen-like elongate handle (2) and rotatable in response to the movement of the pen-type input device (see abstract, see col. 4, lines 21-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen-type input device comprising a ball rotatable supported by an end of a pen-like elongate handle as taught by Toyoda et al. into the system of Lai and Guy et al. for producing the claimed invention because this would provide the direction of rotation and the amount of movement of each respective rotating member is detected by the detecting circuit and

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detected data are sent to a computer whereby a curve corresponding to the movement of the ball is creased on a display surface of the computer (see abstract).

As to claims 10 and 13, Lai and Guy et al. do not disclose the contact face is generally circular. Toyoda discloses the pen-type input device includes a ball rotatably supported by an end of a pen-like elongate handle that is a contact face in circular (see abstract, see col. 4, lines 21-28) and discussed in claim 7.

Response To Arguments

6. Applicant's arguments with respect to claims 6-13 filed on 9/28/06 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimnhung Nguyen
Patent Examiner
December 5, 2006


RICHARD HJERPE
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